REMARKS

Status of the Claims

Claims 2-13, 17-19 and 22-40 are currently pending in the application. Claims 2-13, 17-19 and 22-40 stand rejected. Claim 40 has been amended as set forth herein. All amendments are made without prejudice or disclaimer. No new matter has been added by way of the present amendments. Specifically, the amendment to claim 40 is to cancel the terms rheumatism and arthrosis. Reconsideration is respectfully requested.

Incorporation by Reference of Previous Reply

The previous reply of May 26, 2006 is hereby incorporated by reference in its entirety. The following statements are provided as a supplement to the previous reply and are intended to be considered in addition to the comments of the previous reply.

Information Disclosure Statement

Please refer to the Reply of May 26, 2006 (hereinafter, "Previous Reply"), at pages 2-3 for Applicant's response to this issue.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claim 40 stands rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. (*See*, Office Action of November 30, 2005, at page 3, hereinafter, "Office Action"). Applicant traverses the rejection as set forth herein.

Although Applicant does not agree that claim 40 lacks enablement, to expedite prosecution, claim 40 has been amended herein, without prejudice or disclaimer, to remove the terms rheumatism and arthrosis.

Additionally, Applicant attaches hereto an English language translation of the Table 1-6 of Watzl et al. for the Examiner's consideration. Applicant also repeats, for the record, that Watzl et al. is a 250 page book and a full verified English language translation thereof would be overly burdensome since no English language translation is commercially available. Thus, Applicant cannot submit a full English language translation of Watzl et al.

Reconsideration and withdrawal of the enablement rejection of claim 40 are respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Murad, U.S. Patent No. 5,962,517, & Oliver, U.S. Patent No. 5,869,062

Claims 2, 5-11, 17-19 and 26-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murad, U.S. Patent No. 5,962,517 (hereinafter, "Murad"), in view of Oliver, U.S. Patent No. 5,869,062 (hereinafter, "Oliver"). (*See*, Office Action, at page 6). Applicant traverses the rejection as hereinafter set forth.

Murad

The Murad reference discloses, in the Section "Background of the Invention," several disadvantages of the prior art pharmaceutical compositions for treating acne. For instance, in

column 2, lines 14 to 19, Murad describes that, although highly effective, the benefits of the topical treatment often take several weeks. Also, the patient's condition may become worse before clearing up. Finally, these topical treatments tend to have mild side effects, which include stinging and reddening of the treated areas and possible photosensitivity. Therefore, an object of Murad is to find pharmaceutical compositions and methods for treating acne by administering the pharmaceutical compositions and conditioning the skin to inhibit further acne outbreaks without the adverse side effects present in many conventional acne treatments (*cf.* column 3, lines 30 to 34 of Murad).

Murad describes a pharmaceutical composition for the treatment of acne comprising:

an acne reduction component comprising at least one of a zinc compound or a vitamin A source;

at least one of burdock root, yellow dock root, or a catechin-based composition; and

a skin cell conditioning component comprising a transition metal other than zinc (*cf.* claim 1 of Murad).

The zinc component may be any zinc compound or pharmaceutically acceptable salt thereof, but preferably is a zinc complex with ascorbic acid or ascorbate (*cf.*, *Id.* at column 5, lines 44 to 49). The pharmaceutical composition also has at least one of the following: an amino acid component, a magnesium component, a selenium component and biotin. In a preferred embodiment, the amino acid component is L-lysine and L-proline (*cf.*, *Id.* at column 4, lines 32 to 37 and column 8, lines 34 to 44).

Although any suitable route of administration may be employed for providing the patient with an effective dosage of the composition according to Murad, oral administration is clearly prerred (*cf.*, *Id.* at column 4, lines 47 and 48, and 56 to 62; column 5, lines 36 to 38; column 6, tines 38 to 40; column 9, third paragraph and lines 50 to 53; column 10, lines 19 to 67; and all working examples).

The subject matter of the claims of the present application is novel over Murad since Murad does not directly and unambiguously disclose the use of zinc oxide nor the use of any inorganic peroxide nor the combined use of zinc oxide and inorganic peroxide nor the combined use of zinc oxide, inorganic peroxide and any secondary plant substance.

Although Murad points to the use of zinc components, Murad clearly suggests the use of a zinc complex with ascorbic acid or ascorbate (*cf.*, *Id.* at column 3, lines 61 and 62; column 5, lines 46 to 48 and the working examples). There is no suggestion pointing specifically to ZnO. This is interpreted by the Examiner to mean that Murad suggests the present invention. However, Murad neither discloses nor suggests the use of any inorganic peroxide. Furthermore, there is no hint in Murad pointing to any formulation for topical application comprising, besides other components, a combination of zinc oxide and an inorganic peroxide. To the contrary, as can be seen from, *e.g.*, claim 21, Murad clearly discloses or suggests the use of benzyl peroxide in an additional pharmaceutical composition which is clearly contrary to the present application. That is, Murad clearly teaches the use of a zinc compound and a peroxide in different compositions.

As mentioned above, Murad teaches away from the present invention when Murad discloses or suggests in the background of his invention that topical treatments have mild side effects which include stinging and reddening of the treated areas and possible photosensitivity. With the pharmaceutical composition, Murad attempts to overcome this disadvantage (*cf.*, *Id.* at column 3, lines 30 to 38). Therefore, Murad clearly discloses or suggests throughout the whole patent that it is preferred that the composition is administered orally. In view of the described disadvantage, a person skilled in the art has no motivation to administer Murad's composition topically, which would be contrary to the direct teaching of Murad's invention, thereby risking the disclosed adverse side effects.

In this regard, a claimed combination cannot change the principle of operation of the primary reference or render a reference inoperable for its intended purpose. (*See*, M.P.E.P. §§ 2143.01, sections entitled "The Proposed Modification Cannot Render the Prior Art Unsatisfactory For Its Intended Purpose" and "The Proposed Modification Cannot Change the Principle of Operation of a Reference," and M.P.E.P. § 2145(III)). The Federal Circuit has also held: "If references taken in combination would produce a 'seemingly inoperative device,' we have held that such references teach away from the combination and thus cannot serve as predicates for a prima facie case of obviousness." (*See*, *McGinley v. Franklin Sports Inc.*, 60 U.S.P.Q.2d 1001, 1010 (CAFC 2001), citing *In re Sponnoble*, 405 F.2d 578, 587, 160 U.S.P.Q. 237, 244 (CCPA 1969), holding that references teach away from combination if combination produces seemingly inoperative device; and *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), finding that an inoperable modification teaches away).

For the above reasons, the subject matter of the present invention is neither suggested nor disclosed in Murad. There is no motivation for a person skilled in the art to act against the teaching of Murad and to use the provided pharmaceutical compositions in a topical form. Furthermore, Murad clearly teaches away from a combination of a zinc compound and a peroxide.

Oliver

Oliver describes a skin treatment composition comprising a base, calamine, an antioxidant and a herbal antibacterial product (*cf.*, Oliver, at claim 1). The base comprises water and a diluent such as glycerin or propylene glycol (*cf.*, *Id.* at column 2, lines 48 to 56). The antioxidant includes *e.g.* Vitamin C or Vitamin E. Naturally occurring antibacterial products include naturally occurring herbs such as golden seal extract, tea tree oil, Echinacea, garlic and red clover (*cf.*, *Id.* at column 2, lines 29 to 37). As optional components a peroxide may also be added to the formulation. Suitable peroxides include hydrogen peroxide, benzoyl peroxide, acetyl peroxide, t-butyl peroxide and the like (*cf.*, *Id.* at column 3, second paragraph). Zinc oxide may also be included in the formulation (*cf.*, *Id.* at column 3, third paragraph).

Oliver does not disclose or suggest using any secondary plant substances in the antibacterial composition. Plant extracts, such as *e.g.* oils, do not automatically contain secondary plant substances. Furthermore, it should be stressed that, other than hydrogen peroxide, Oliver only teaches the use of organic peroxides. Oliver does not disclose or suggest

which is the preferred inorganic peroxide, as is disclosed in the last paragraph on page 7 of the present application.

Furthermore, the table in column 3 of Oliver does not describe in detail which peroxide is used. That is, Oliver does not directly and/or unambiguously disclose a combination of ZnO and inorganic peroxide. Therefore, the present invention is neither disclosed nor suggested by Oliver.

The present invention is also non-obvious even in light of the disclosure of Oliver because Oliver does not describe any formulations containing the specific combination of components (a) to (d) as required by claim 2, particularly comprising at least one salt selected from alkali metal salts, alkaline earth metal salts and other minerals and/or at least one individual amino acid.

Furthermore, Oliver does not disclose or suggest a combination of (a) at least one salt, (b) at least one individual amino acid, (c) a secondary plant substance, and (d) with a combination of zinc oxide and an inorganic peroxide. It should be stressed again that besides hydrogen peroxide Oliver only discloses or suggests organic peroxides.

With respect to obviousness, the question to be answered is whether the cited reference when considered as a whole discloses or suggests the present invention and whether the cited reference would (not simply could, but would) have prompted the skilled person to modify or adapt the closest prior art while taking into account that teaching, thereby arriving at something falling within the claims and, thus, achieving what the invention achieves. In other words, the point is not whether the skilled person could have arrived at the invention by modifying the

closest prior art, but whether he would have done so because the prior art incited him to do so in expectation of some improvement or advantage. While patents or references are relevant as prior art for all they contain, they cannot be relied upon to teach embodiments that are not reasonably suggested to one having ordinary skill in the art. (*See*, *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804 (Fed. Cir. 1989)). In this regard, such hypothetical embodiments are being generated here to achieve the present invention when the Examiner is taking only pieces of each reference and disregarding other essential disclosures of the references. Thus, the cited references are relevant as prior art for all they contain but at the same time cannot be relied upon to teach embodiments that are not reasonably suggested to one having ordinary skill in the art. (*See*, *Merck & Co.*, *supra*).

Here, Oliver only teaches a formulation comprising natural ingredients for topical application. Contrary thereto, the teaching of Murad is based on formulations for oral administration as indicated above. Murad describes disadvantages of topical treatments such as stinging and reddening of the treated areas and tries to overcome these disadvantages. One way for overcoming these disadvantages is to administer the provided formulation orally and not topically (*cf.*, all working examples of Murad). Furthermore, Murad teaches the use of benzyl peroxide in a separate second pharmaceutical composition but clearly not in the pharmaceutical composition of his invention (*cf. e.g.* claim 21 of Murad). Since Murad teaches disadvantages of topical treatments and teaches throughout the whole disclosure content again and again the preferred oral administration of the provided pharmaceutical composition (and further teaches against the use of benzyl peroxide in the provided pharmaceutical composition), a person skilled

in the art has no motivation to combine Murad with Oliver which, contrary to Murad, teaches topical application and *e.g.* benzyl peroxide in the same disclosed formulation.

Therefore, the subject matter of the present invention cannot be obvious even if the disclosures of Murad and Oliver are combined, as alleged by the Examiner, because one of ordinary skill in the art would not combine these disclosures. The disclosures themselves teach not to combine them.

Considering the arguments provided by the Examiner, it has to be emphasized that the provided arguments are clearly made in knowledge of the subject matter of the present application and disregard particularly the core of the teaching of Murad. This, however, is impermissible hindsight reconstruction. (*See*, *Grain Processing Corp. v. American Maize-Products Co.*, 840 F.2d 902, 907, 5 U.S.P.Q.2d 1788, 1792 (Fed. Cir. 1988), stating "Care must be taken to avoid hindsight reconstruction by using 'the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit,'" internal citation omitted; and *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), stating "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.").

That is, the Examiner did not cite any passage of Oliver that motivates the skilled person in any expectation of improvement or advantage to modify the teaching of Murad in view of Oliver such that he achieves the present invention.

Therefore, for at least these additional reasons and insights into the references, reconsideration and withdrawal of the obviousness rejection of claims 2, 5-11, 17-19 and 26-40 are respectfully requested.

Murad & Oliver & Horrobin et al. (U.S. Patent No. 5,145,686)

Claims 3, 4, 13 and 22-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murad, in view of Oliver in further view of Horrobin et al., U.S. Patent No. 5,145,686 (hereinafter, "Horrobin et al."). (*See*, Office Action, at page 10). Applicant traverses the rejection as hereinafter set forth.

Horrobin et al.

Horrobin et al. disclose or suggest a pharmaceutical composition for topical administration which comprises at least one physiologically acceptable lithium salt together with at least one substance selected from substances capable of selectively increasing the *in vivo* level of E-series prostaglandins, substances capable of inhibiting cyclooxygenase enzyme, substances capable of inhibiting the formation of lipoxygenase products, and lysine (*cf.*, Horrobin et al., at column 1, lines 55 to 63). The level of E-series prostaglandins may be increased by incorporating a substance that is capable of blocking their bioconversion to other prostaglandins. Examples of such substances are rutin and other bioflavonoids (*cf.*, *Id.* at column 3, lines 5 to 9). Optionally, the composition can further contain a physiologically acceptable zinc salt such as, *e.g.* zinc sulphate or gluconate (*cf.*, *Id.*, at column 5, lines 7 to 11).

The subject matter of the claims of the present invention is not obvious in light of the disclosure of Horrobin et al., since Horrobin et al. do not disclose or suggest any pharmaceutical composition for topical application comprising zinc oxide or an inorganic peroxide. Particularly, Horrobin et al. do not disclose or suggest a composition comprising a combination of zinc oxide, an inorganic peroxide and an amino acid.

Horrobin et al. point to lysine as an optional ingredient. However, Horrobin et al. do not point in a general way to the use of amino acids nor to any effects in combination with salts, zinc oxide and inorganic peroxide. There is no working example in Horrobin et al., either, using lysine. Furthermore, Horrobin et al. neither disclose nor suggest the use of particularly zinc oxide. Horrobin et al. only points to zinc sulphate or gluconate. There is also no hint in Horrobin et al. pointing to the use of any peroxide at all. Therefore, the subject matter of the present invention cannot be obvious in light of Horrobin et al., even if combined with the disclosures of Murad and Oliver.

As mentioned above, Murad teaches against the topical treatment of the skin and invariably teaches throughout the whole disclosure the preferred oral administration of the disclosed composition. Therefore, as indicated above, there is no motivation for a person skilled in the art to combine the teaching of Horrobin et al. with that of Murad. Furthermore, a combination of these references cannot make obvious the subject matter of the present invention since both references do not suggest the combination of zinc oxide and inorganic peroxide nor makes obvious any effects of such a combination with the other components needed in the presently claimed invention.

There are only a very few places in the disclosure of Horrobin et al. wherein Horrobin et al. indicates that lysine can be used. However, there is no indication in Horrobin et al. describing any reason why lysine should be used. Furthermore, it should be emphasized that none of the working examples that generally represent the preferred embodiments of the invention, uses lysine. There is also no hint in Horrobin et al. pointing in a general way to the use of amino acids and any effects of such a use. Horrobin et al. clearly suggest the use of zinc sulphate and gluconate. There is no hint in Horrobin et al. pointing specifically to the use of zinc oxide. Moreover, Horrobin et al. is silent with respect to the use of any peroxide. The core teaching of Horrobin et al. is that lesions of the skin and of mucosal membranes are generally associated with an inflammatory response, and, in turn, inflammation is believed to be due, in part, to excessive and/or defective production of certain prostaglandins and related substances and how the production of these substances could be prevented.

The disclosure of Oliver is entirely different from that of Horrobin et al. The main goal of Oliver is to provide an improved skin treatment composition which only incorporates natural ingredients. For example, there is no indication in Oliver pointing to the use of any salts. Similar to Horrobin et al., Oliver does not contain any indication pointing to the use of amino acids and any advantages thereof. Since there is no teaching in Horrobin et al. with respect to the sole use of lysine, there is no motivation for a person skilled in the art to use any amino acid in a composition of Oliver. At column 5, second paragraph, of Horrobin et al., it is indicated that the bioconversion of linolenic acid to γ-linolenic acid is promoted in the presence of zinc. Preferred examples of physiologically acceptable zinc salts are zinc sulphate or gluconate. In all the

working examples of Horrobin et al., zinc sulphate is used. Therefore, if a person skilled in the art would at all combine the disclosures of Oliver and Horrobin et al., which one of ordinary skill in the art would not do, he is motivated to replace the zinc oxide used in a composition of Oliver by zinc sulphate or gluconate which, however, teaches away from the subject matter of the present invention.

It should be further emphasized that neither Oliver nor Horrobin et al. specifically disclose or suggest the combination of an amino acid with ZnO and inorganic peroxide. As mentioned above, Oliver mainly describes organic peroxides. That is, the allegation of the Examiner that the subject matter of the present invention is obvious from the combination of Horrobin et al. with Oliver can only be made with the knowledge disclosed in the present invention. That is, the Examiner arbitrarily picks out from the composition of Horrobin et al. the missing components and adds them to a composition of Oliver without indicating where there is any suggestion in Horrobin et al. that motivates a person skilled in the art to specifically use these missing components in expectation of any improvement or advantage.

Thus, the Examiner's rejection stands on the use of hindsight reconstruction and, therefore, impermissible. (*See*, *Grain Processing Corp. v. American Maize-Products Co.*, 840 F.2d 902, 907, 5 U.S.P.Q.2d 1788, 1792 (Fed. Cir. 1988), stating "Care must be taken to avoid hindsight reconstruction by using 'the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit,'" internal citation omitted; and *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d

1596, 1600 (Fed. Cir. 1988), stating "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.").

Reconsideration and withdrawal of the obviousness rejection of claims 3, 4, 13 and 22-25 are respectfully requested.

Murad & Oliver & Horrobin et al. & Burke et al. (U.S. Patent No. 5,693,318)

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murad, in view of Oliver, in further view of Horrobin et al., and in further view of Burke et al., U.S. Patent No. 5,693,318 (hereinafter, "Burke et al."). (*See*, Office Action, at page 11). Applicant traverses the rejection as hereinafter set forth.

In addition to those arguments presented, above, with respect to the Murad, Oliver and Horrobin et al. references, Applicant provides the following insights into the cited references.

Burke et al.

Burke et al. relates to the use of phosphate esters for the improvement of water solubility of salicylic acid and the stability of peroxide compounds in an aqueous cleanser (*cf.*, Burke et al., at abstract).

Particularly, Burke et al. describe an aqueous skin care composition comprising peroxides, salicylic acid, surfactant and a phosphate ester selected from one of the structures of formulas I to IV (*cf.*, *Id.* at claim 1). The disclosure of Burke et al. is directed mainly to the use of phosphate esters that facilitate the formation of an aqueous-based skin cleanser that is

compatible with and stabilizes peroxide and salicylic acid (*cf.*, *Id.*, at column 2, third paragraph). Burke et al. only disclose or suggest that the described composition is useful as an aqueous skin and hair cleanser composition (*cf.*, *Id.*, at abstract and column 1, lines 6 and 7).

Burke et al. do not describe any composition comprising at least one amino acid and/or at least one secondary plant substance. Furthermore, Burke et al. do not describe a combination of zinc oxide and an inorganic peroxide. Therefore, the present invention is neither disclosed nor suggested by Burke et al., and is not obvious in light of the disclosure of Burke et al.

As mentioned above, Burke et al. only describes aqueous cleanser compositions. Burke et al. is silent with respect to any treatment of skin diseases. Furthermore, Burke et al. does not suggest any composition comprising at least one amino acid, at least one secondary plant substance or a combination of zinc oxide and inorganic peroxide. Since Burke et al. is only focused on an aqueous cleanser, a person skilled in the art would not use this reference for solving the object of the present invention.

As mentioned above, Murad teaches compositions which should be orally administered and describes disadvantages of topical compositions. Furthermore, Murad teaches the use of benzyl peroxide (organic peroxide) in a separate pharmaceutical composition (*cf.*, Murad at claim 21). Since Burke et al. is silent with respect to any treatment of skin disorders, the skilled person has no motivation to combine the disclosure of Burke et al. with Murad. Both documents also do not make obvious a combination of specifically a secondary plant substance with zinc oxide and an inorganic peroxide, as claimed in the present application.

Furthermore, as indicated above, Oliver is silent with respect to the use of any amino acid and does also not teach the use of secondary plant substances. Since these components are also not suggested in Burke et al., a combination of Oliver with Burke et al. cannot make obvious the subject matter of the presently claimed invention.

Since Burke et al. only disclose or suggest a cleanser composition, the skilled person also has no motivation to combine this reference with Horrobin et al. Furthermore, it should be emphasized that Horrobin et al. describe a pharmaceutical composition for topical application comprising a least one lithium salt and Evening Primrose. Although Horrobin et al. point to lysine as an optional ingredient, Horrobin et al. do not point in a general way to amino acids nor to any effects of their use. It should be stressed again that Horrobin et al. neither specifically disclose nor suggest the use of zinc oxide. Horrobin et al. only disclose the use of zinc sulphate or zinc glyconate. Since Burke et al. is silent with respect to any zinc compounds, the specific combination of zinc oxide with inorganic peroxide, and the specific combination of zinc oxide, inorganic peroxide and amino acid cannot be obvious in light of the combination of Horrobin et al. with Burke et al.

Again, note that Burke et al. only disclose or suggest an aqueous cleanser and relates to the problem of stabilizing an aqueous composition comprising peroxide and salicylic acid. The teaching of Burke et al. is focused on the finding that the use of phosphate ester facilitates the formulation of an aqueous-based skin cleanser comprising peroxide and salicylic acid and stabilizes peroxides. If a person skilled in the art would combine the disclosure of Horrobin et al. with that of Burke et al., which one of ordinary skill would not do, there is only a motivation

for the skilled person to use a stabilizer described in Burke et al. in a composition of Horrobin et al. However, there is clearly no motivation for the skilled person to pick out particularly any peroxide described in Burke et al. and to use it specifically in a composition of Horrobin et al.

Such an argumentation is only possible with the knowledge of the subject matter of the present invention, which, however, again would amount to impermissible hindsight reconstruction. (*See*, *Grain Processing Corp. v. American Maize-Products Co.*, 840 F.2d 902, 907, 5 U.S.P.Q.2d 1788, 1792 (Fed. Cir. 1988), stating "Care must be taken to avoid hindsight reconstruction by using 'the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit,'" internal citation omitted; and *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), stating "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.").

As indicated above, both the disclosures of Oliver and Burke et al. are silent with respect to any amino acids. Horrobin et al. only suggest the use of lysine as an optional ingredient without describing any effect of its use. Furthermore, Oliver and Burke et al. do not describe any secondary plant substances. On the other hand, Horrobin et al. and Burke et al. do not disclose the specific use of zinc oxide and particularly do not suggest any specific combination of zinc oxide with an inorganic peroxide.

Additionally, since Burke et al. only describes cleanser compositions, there is no motivation for a person skilled in the art to combine this reference with the disclosures of Oliver and Horrobin et al. Furthermore, since Burke et al. do not provide any new motivation, the

skilled person has also no reason to combine the teaching of Horrobin et al. with that of Oliver in a new manner in expectation of obtaining any improvement.

Therefore, the combination of Burke et al. with Horrobin et al. and Oliver also do not make obvious the subject matter of the presently claimed invention. It should again be stressed that the skilled person would not combine Burke et al. with, Murad, Oliver or Horrobin et al. for the reasons mentioned above.

Thus, for at least these additional reasons, reconsideration and withdrawal of the obviousness rejection of claim 12 are respectfully requested.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Thomas J. Siepmann, Ph.D. (Reg. No. 57,374), at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated:

Respectfully submitted,

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Attachments: English language translation of Table 1-6, Watzl et al.

US patent application 09/743,577
Mandorlo Investment GmbH
Your Ref.: 0147-0220P
Our Ref.: A1920 US

[redacted]

PHYTOCHEMICALS	A	B	C	D	E	F	G	H	I
Carotenoids	✓		✓		✓			✓	
Phytosterols	✓							✓	
Saponins	✓	✓			✓			✓	
Glucosinolates	✓	✓						✓	
Flavonoids	✓	✓	✓	✓	✓	✓	✓		✓
Protease inhibitors	✓		✓						✓
Monoterpenes	✓	✓				✓		✓	
Phytoestrogens	✓		✓		✓				
Sulfides	✓	✓	✓	✓	✓	✓	✓	✓	
Phytic acid	✓		✓		✓				✓

A = anticarcinogenic
B = antimicrobial
C = antioxidative
D = antithrombotic
E = immunomodulatory

F = anti-inflammatory
G = blood pressure-modulating
H = cholesterol-lowering
I = blood glucose-modulating

Dr. B. Watzl 2006